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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,320	07/21/2005	Per Mansson	Mans3011/REF	3650
23364	7590	03/13/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			JUNG, UNSU	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to a coated metal surface on a support.

Group II, claim(s) 8, drawn to use of the coated metal surface on a solid support.

Group III, claim(s) 9-11, drawn to a method of detecting analyte antigens in an aqueous solution by activating the coated metal surface on a solid support.

Group IV, claim(s) 12, drawn to a method of using analysis device comprising flow cell, which includes a coated metal surface on a solid support.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The application contains claims to more than one of the combinations of categories of inventions set forth by 37 CFR 1.475.

According to 37 CFR 1.475 regarding unity of invention:

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of invention is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

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(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process of specially adapted for the manufacture of said product; or
- (2) A product and a process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the process.

If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) above, unity of invention might not be present. Furthermore, the determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more special technical features. The term "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art. The determination is made based on the content of the claims as interpreted in light of the description and drawings.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature in Groups I-IV is the coated metal surface on a solid support, wherein the coating consists of a self-assembled monolayer (SAM) of oligo(ethylene glycol)-, OEG-, terminated amide group-containing alkyl thiols firmly attached to the metal surface via

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the thiol-end and low molecular weight antigens bound via the amide-group to the SAM-forming OEG molecule, wherein the alkyl portion has 1-20 methylene groups, OEG portion has 1-15 ethylene oxy units, and the antigens are optionally reversibly bound to antibodies specific for the antigens. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art. Kim et al. (U.S. Patent No. 6,699,665, Filed Nov. 8, 2000) teaches a coated metal surface on a solid support (column 9, lines 42-18), wherein the coating consists of a self-assembled monolayer (SAM) of oligo(ethylene glycol)-, OEG-, terminated amide group-containing alkyl thiols firmly attached to the metal surface via the thiol-end (column 9, lines 41-66) and low molecular weight antigens bound via the amide-group to the SAM-forming OEG molecule (column 9, lines 42-46), wherein the alkyl portion has 1-20 methylene groups, OEG portion has 1-15 ethylene oxy units (column 14, lines 30-40), and the antigens are optionally reversibly bound to antibodies specific for the antigens (column 8, lines 3-22).

2. A telephone call was made to Mr. Fichter on February 13, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Unsu Jung whose telephone number is 571-272-8506. The examiner can normally be reached on M-F: 9-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Unsu Jung, Ph.D.
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02/17/06